

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

LURETHA O. BIVINS

PLAINTIFF

v.

1:18CV2-LG-RHW

MISSISSIPPI REGIONAL HOUSING
AUTHORITY VIII

DEFENDANT

ORDER DENYING MOTION TO RECONSIDER

BEFORE THE COURT is Plaintiff's [78] Motion for Reconsideration and Defendant's [81] Motion to Strike the Motion for Reconsideration. Pro se Plaintiff Luretha O. Bivins seeks reconsideration of the Court's Order dismissing her case pursuant to Fed. R. Civ. P. 37(b) for her willful failure to comply with the Court's discovery orders. Bivins contends that dismissing the case with prejudice was error, because the defendant did not use the words "with prejudice" in its dismissal motion.

Defendant argues that the Motion should be stricken because Bivins uses inflammatory language, accusing the Court of refusing to act on several motions and "allow[ing] white attorneys to use the federal court at taxpayers expense to threaten and harass African Americans," and accusing the law firm representing the Defendant of offering bribes, befriending judges, and escaping sanctions.

A timely filed motion challenging a final judgment is considered under Rule 59(e) as a motion to alter or amend judgment. A Rule 59(e) motion "calls into question the correctness of a judgment." *Templet v. HydroChem Inc.*, 367 F.3d 473, 479 (5th Cir. 2004) (quoting *In re Transtexas Gas Corp.*, 303 F.3d 571, 581 (5th Cir. 2002)). The purpose of a Rule 59(e) motion is to allow a party "to correct manifest

errors of law or fact or to present newly discovered evidence.” *Templet*, 367 F.3d 473, 479 (5th Cir. 2004) (citation and internal quotation marks omitted). Bivins’ Motion does not present any valid ground for reconsideration. The Court finds no manifest error of law or fact and declines to reconsider its ruling and judgment. The Motion to Reconsider will be denied and the Motion to Strike will be denied as moot.

IT IS THEREFORE ORDERED AND ADJUDGED that the Plaintiff’s [78] Motion for Reconsideration is **DENIED**.

IT IS FURTHER ORDERED AND ADJUDGED that the Defendant’s [81] Motion to Strike the Motion for Reconsideration is **DENIED AS MOOT**.

SO ORDERED AND ADJUDGED this the 21st day of December, 2018.

s/ Louis Guirola, Jr.

LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE